



Federal Communications Commission
Washington, D.C. 20554

DA 07-2236
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1800E3-JLB

Living Faith Ministries, Inc.
c/o John M. Burgett, Esq.
Wiley Rein, LLP
1776 K Street, N.W.
Washington, D.C. 20006

Re: WFLG(TV), Grundy, Virginia
Facility ID No. 37808

Dear Licensee:

On February 2, 2007, Living Faith Ministries, Inc. (Living Faith), the licensee of analog television station WFLG(TV), (IND), NTSC Channel 68, and permittee of digital television station WFLG-DT, DTV Channel 49, Grundy, Virginia, filed a letter requesting Commission authority to: (i) cease analog broadcasting on NTSC Channel 68 and surrender its license for the channel prior to the end of the DTV transition period; and (ii) thereafter operate WFLG-DT as a single channel, digital-only television station on DTV Channel 49. Living Faith's proposal appeared on public notice on March 16, 2007.

Living Faith's request was submitted pursuant to the voluntary band-clearing mechanisms adopted by the Commission to facilitate the clearing of channels 59-69. In the *Upper 700 MHz MO&O and FNRPM*, the Commission established a rebuttable presumption that, in certain circumstances, substantial public interest benefits will arise from a voluntary agreement between a 700 MHz licensee and an incumbent broadcast licensee on Channels 59-69 that clears the 700 MHz band of incumbent television licensee(s). In particular, this favorable presumption attaches to any requests that: (1) would make new or expanded wireless service, such as '2.5' or '3G' services, available to consumers; (2) would clear commercial frequencies that enable provision of public safety services; or (3) would result in the provision of wireless service to rural or other underserved communities. The applicant would also need to show that grant of the request would not result in any one of the following: (1) the loss of any of the four stations in the designated market area (DMA) with the largest audience share; (2) the loss of the sole service licensed to the local community; or (3) the loss of a community's sole service on a channel reserved for noncommercial educational broadcast service. See *Upper 700 MHz MO&O and FNRPM*, 15 FCC Rcd 20845, 20870-71 (2000). The Commission further indicated that when this presumption is not established, or is rebutted, it would review regulatory requests by weighing the loss of broadcast service and the advent of new wireless service on a case-by-case basis. *Id.* at 20869-71.

In support of its request to voluntarily vacate NTSC Channel 68, Living Faith asserts that early return will serve the public interest because it would clear commercial spectrum that would enable public safety useage in Virginia and Tennessee. According to Living Faith, in the past six months, three public safety organizations from Virginia and Tennessee have contacted Living Faith to express their interest in immediately occupying Channel 68, which is specifically designated for public safety use. In addition, channel 68 is adjacent to the Upper 700 MHz Block B Guard Band, which was distributed through Auction 33, and vacating channel 68 will reduce interference to the Block B Guard Band spectrum.

Living Faith acknowledges that the early return of its NTSC channel will result in loss of analog service from the sole channel allotted to Grundy, but contends that the impact on the public will be imperceptible. Living Faith states that only 0.66% of the households that receive WLFG(TV)'s signal watch the station over the air each week.¹ In addition, Grundy receives over-the-air NTSC service from seven stations in the vicinity, and Grundy is the community of license for WJDG-LP, a low power television station which provides localized religious programming. Finally, WLFG-DT is presently operating pursuant to an STA and viewers in Grundy will continue to be able to view that signal with the necessary DTV reception equipment.

Based upon the foregoing, while Living Faith has not met all of the factors necessary to come within the rebuttable presumption, we believe the public interest would be served by permitting Living Faith to surrender its license for NTSC Channel 68 and operate digital-only operations on DTV Channel 49. Accordingly, Living Faith's request IS GRANTED.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹ WLFG(TV) was off-the-air from November 22, 2005 to September 5, 2006, and during that time, Living Faith provided digital-to-analog converter set-top boxes to all viewers who requested one.